

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

KENDRICK CAIN,)
Plaintiff,)
v.) Civil Action No.:
C & K TRUCKING, LLC,)
Defendant.)

NOTICE OF REMOVAL

Defendant C & K Trucking, LLC (hereinafter “Defendant”) hereby removes this action to this Court pursuant to 28 U.S.C. § 1332 and § 1441(a). In support hereof, Defendant states as follows:

1. On August 15, 2012, Plaintiff Kendrick Cain (hereinafter “Plaintiff”) filed a Complaint, styled *Kendrick Cain v. C & K Trucking, LLC*, Civil Action No. CT-003573-12, in the Circuit Court of Shelby County, Tennessee.

2. On or about August 21, 2012, Plaintiff mailed the aforementioned Complaint, as well as the Summons and Notice of Lawsuit and Request for Waiver of Service of Summons to Defendant. A copy of the Complaint is being filed contemporaneously herewith and attached hereto along with the entire State Court Record as Exhibit A. The Complaint, as well as the Summons and Notice of Lawsuit and Request for Waiver of Service of Summons were the only documents served upon Defendant setting forth the claim for relief upon which Plaintiff's action is based.

3. Plaintiff's Complaint is a civil action for damages, alleging that Defendant retaliated against Plaintiff in violation of the Tennessee Public Protection Act and Tennessee common law and, as a result, Plaintiff suffered loss of pay, benefits and compensatory damages.

4. Removal is proper, pursuant to 28 U.S.C. § 1332, because there is complete diversity of citizenship between the parties. Plaintiff is a citizen of the State of Mississippi and Defendant is a foreign corporation with its principal place of business in Illinois. (See Exhibit A, Complaint at ¶¶ 2-3). The amount in controversy in this cause of action exceeds \$75,000, exclusive of interest, costs, and attorneys' fees as Plaintiff is seeking damages in the amount of \$500,000 in addition to other relief. (See Exhibit A, Complaint, Prayer for Relief at ¶¶ 3-4).

5. Defendant's Notice of Removal has been filed within 30 days after the initial receipt by Defendant of a copy of Plaintiff's Complaint in accordance with 28 U.S.C. § 1446(b).

6. Removal to this Court is proper pursuant to 28 U.S.C. § 1441(a) because it is in the district and division embracing the place where the state court action is pending.

7. A copy of this Notice of Removal, as well as the attached Notice of Filing Notice of Removal, attached hereto as Exhibit B, have been mailed to counsel for Plaintiff and are being filed with the Clerk of the Circuit Court of Shelby County, Tennessee in accordance with 28 U.S.C. § 1446(d).

WHEREFORE, Defendant removes this action to the United States District Court for the Western District of Tennessee.

Respectfully submitted,

s/ O. John Norris, III
O. John Norris, III (TN Bar No. 017504)
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of September, 2012, I served a true and correct copy of the foregoing **NOTICE OF REMOVAL** via U.S. Mail, postage prepaid on the following:

Dan M. Norwood (TN Bar No. 05926)
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Attorneys for Plaintiff

s/ O. John Norris, III